

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NICHOLAS JOHNSON,

Plaintiff

v.

HIGH DESERT STATE PRISON, et al.,

Defendants

Case No.: 2:24-cv-01069-APG-DJA

**Order Directing Response**

Plaintiff Nicholas Johnson, a prisoner at High Desert State Prison, moves for emergency injunctive relief, claiming that he has an impending transfer to Ely State Prison where he fears he will be attacked by staff in retaliation for his grievance activity and by white supremacist gang members. ECF No. 3. He thus seeks an injunction to prevent the defendants from transferring him to Ely.

Johnson has not filed an application to proceed in forma pauperis. He states he could not do so because the defendants have refused to provide him with a financial certificate. *Id.* at 6. I thus ordered Johnson to pay the filing fee or file a completed application to proceed in forma pauperis. ECF No. 4. I advised Johnson that if he cannot obtain his financial certificate and inmate account statement from prison officials, he must file the application to proceed in forma pauperis with a declaration detailing the efforts he took to obtain those documents. *Id.*

Despite this issue, the seriousness of Johnson's allegation that he faces a known risk of potential violence if transferred to Ely warrants a response on the substantive issues he raises on an expedited basis. While I am ordering a response, I encourage Johnson to file his application to proceed in forma pauperis as soon as possible. Additionally, the defendants do not waive any

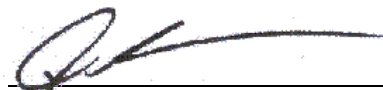
1 objections or arguments they may have on procedural grounds by responding to the merits of  
2 Johnson's motion in response to this expedited situation.

3 I THEREFORE ORDERED that by **July 12, 2024**, the Attorney General's Office shall  
4 advise the court whether it will enter a limited notice of appearance on behalf of the defendants  
5 only for purposes of responding to the motion for temporary restraining order. Additionally,  
6 based on the nature of the allegations, the defendants shall also until **July 12, 2024** to file its  
7 substantive response to Johnson's motion for temporary restraining order (ECF No. 3).

8 I FURTHER ORDER that if Johnson chooses to file a reply, he must do so within 7 days  
9 after the defendants file a response.

10 I FURTHER ORDER the clerk of the court to electronically serve a copy of this order  
11 and a copy of Johnson's motion for temporary restraining order (ECF No. 3) on the Office of the  
12 Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada  
13 to the docket sheet. This does not indicate acceptance of service for any defendant.

14 DATED this 28th day of June, 2024.

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17 ANDREW P. GORDON  
18 UNITED STATES DISTRICT JUDGE  
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